

Enriquez Rivera 09A3198  
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May 14, 2018

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

W Clerk of the Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Rivera v. Griffin  
15-cv-2657 (WFK)

Dear Sir/Madam:

This letter is written with regard to the above referenced matter, in which I am the petitioner petitioning the Court pursuant to 28 U.S.C. §2254(a) that is currently before this Court.

I would like to draw the Court's attention to the case Wilson v. Sellers, 138 S.Ct. 1188 (2018), which helped define the rule of the United States Supreme Court in addressing the holding in Ylst v. Nunnemaker, 501 U.S. 797 (1991), for the proposition that the highest state court's concluded there is a "look through" presumption in federal habeas law, as silence implies consent [See Kerman v. Hinojosa, 136 S.Ct. 1603, 1605 (2016) (per curium)]. This presumption is employed when a higher state court provides no reason for its decision. However, it is just a presumption ground to believe that the silent court had a different basis for its decision than the analysis followed by the previous court. The federal habeas court is free, as been said, to find to the contrary."

The constitutional right at the heart of this case is one so central to our justice system that it rarely requires explanation. In Wilson, the Supreme Court held that a federal habeas court should "look through" such an unexplained state court decision to the last state court's decision stating a rationale for denial of relief and presume that the summary denial of relief was based on the same rationale. (Id.). Rather, it entitles the petitioner to consideration of the merits of his Brady claims were fully exhausted on post-conviction motion.

Your attention to this matter will be greatly appreciated. I look forward to your reply

I apologize for any inconvenience. I thank the Court in advance for your time and consideration in this matter.



Sincerely,

*Enrique Rivera*  
Enriquez Rivera

Eric Gonzalez, Esq.,  
Kings County District Attorney  
350 Jay Street, 9<sup>th</sup> Floor  
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File

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Clerk of the Court  
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Eastern District of New York  
225 Cadman Plaza East  
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